

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>DePuy Mitek, Inc.</b>	)	
<b>a Massachusetts Corporation</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 04-12457 PBS</b>
	)	
<b>Arthrex, Inc.</b>	)	
<b>a Delaware Corporation and</b>	)	
	)	
<b>Pearsalls Ltd.</b>	)	
<b>a Private Limited Company</b>	)	
<b>of the United Kingdom</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT MOTION TO CONTINUE HEARING DATE**

DePuy Mitek, Inc. (“DePuy Mitek”), Arthrex, Inc. (“Arthrex”), and Pearsalls Ltd. (“Pearsalls”) (the “Parties”), hereby jointly move the Court to reschedule the Summary Judgment Hearing set by the Court in its May 18, 2007 Order. That Order set the Summary Judgment Hearing for June 11, 2007. Counsel for both Parties have prior commitments in other matters that will prevent them from participating in the currently scheduled June 11, 2007 Hearing. For the Court’s consideration, the Parties are available on June 19, 25, 27, 28 or 29, 2007.

Respectfully Submitted,

Counsel for Plaintiff

By: /s/ Heather B. Repicky

DEPUY MITEK, INC.,

Daniel J. Gleason (BBO #194900)  
Heather Repicky (BBO #663347)  
NUTTER MCCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA. 02210-2604  
(617) 439-2000  
Facsimile: (617) 310-9000

Dianne B. Elderkin  
Lynn A. Malinoski  
Michael J. Bonella  
Erich M. Falke  
WOODCOCK WASHBURN LLP  
Cira Centre - 12th Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 568-3100  
Facsimile: (215) 568-3439

Dated: May 25, 2007

Respectfully Submitted,

Counsel for Defendants

By: /s/ Salvatore P. Tamburo

ARTHREX, INC. and PEARSALLS LTD.,

Christopher Weld, Jr. (BBO # 522230)  
Raymond P. Ausrotas (BBO # 640315)  
TODD & WELD LLP  
28 State Street, 31st Floor  
Boston, MA 02109  
(617) 720-2626  
Facsimile: (617) 227-5777

Charles W. Saber  
Stephen A. Soffen  
Salvatore P. Tamburo  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street NW  
Washington, D.C. 20006-5403  
(202) 420-2200  
Facsimile: (202) 420-2201

Dated: May 25, 2007

**CERTIFICATE OF SERVICE**

I certify that the foregoing **JOINT MOTION TO CONTINUE HEARING DATE** was served electronically on counsel for Arthrex and Pearsalls on May 25, 2007 as identified below:

Charles W. Saber, Esq.  
Dickstein Shapiro Morin & Oshinsky LLP  
1825 Eye Street, N.W.  
Washington, D.C. 20006  
Fax: (202) 420-2201  
saberc@dsmo.com

Christopher Weld, Jr.  
Todd & Weld LLP  
28 State Street, 31<sup>st</sup> Floor  
Boston, MA 02109  
Fax: (617) 227-5777  
weldc@toddweld.com

Dated: May 25, 2007

/s/ Heather B. Repicky  
Heather B. Repicky

1634311.1